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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,013	04/16/2004	Shadi Mere	10541-1991	9237
29074	7590	12/23/2005	EXAMINER	
VISTEON C/O BRINKS HOFER GILSON & LIONE PO BOX 10395 CHICAGO, IL 60610			FISHMAN, MARINA	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/826,013

Applicant(s)

MERE'ET AL.

Examiner

Marina Fishman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *General status*

1. This is a Final Action on the Merits. Claims 1 - 23 are pending in the case and are being examined.

### *Specification*

2. The disclosure is objected to because of the following informalities: The specification does not describe, "adjustment member having a plurality of **generally equally spaced** protrusions" (shown in figure 2). Appropriate correction is required.
3. The amendment filed 12/05/2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The amendment on page 2 of the specification adding "furthermore, the wave shaped surface defines a generally **smooth path** along the sinusoidal function 56, thereby creating a generally **smooth feel** for the user during rotation of the knob assembly 10. More specifically, the wave shaped surface includes generally arcuate waves to create the smooth feel."

Applicant is required to cancel the new matter in the reply to this Office Action.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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Claims 20 – 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not clear where support for recitation of Claim 20 “the second end portion defining a generally **smooth** wave-shaped surface..” is found in the specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 20 – 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear how the “sinusoidal wave shape surface” can provide “a generally **smooth path** along the sinusoidal function 56” and create “a generally **smooth feel** for the user during rotation of the knob assembly” as the sinusoidal function, by definition will have peaks and valleys and will not provide a smooth feel.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Senoh [US 4,539,444].

Regarding Claim 20, Senoh discloses a knob [25] having a body portion, a first end portion [29], a second end portion [26, 27], and the second end portion having wave-shaped surface extending continuously along a circular path and having plurality of peaks and troughs and the peaks extends along the vertical axis away from the body portion.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 21 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Senoh [US 4,539,444] in view of Rose [US 4,551,587].

Regarding Claim 21, Senoh discloses a spherical projection for the first contact member. However, Senoh does not disclose spherical receptacle on the adjustment member. It would have been obvious matter of design choice for one of ordinary skill in the art to provide spherical receptacle on the adjustment of Senoh in order to precisely position the spherical projection of the contact member. Regarding Claims 22 and 23, Senoh discloses the instant claimed

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invention except for the adjustment member that includes a plurality of connection arms configured to form a snap-fit connection with the bracket. Rose [Figures 1-3] discloses bracket [1] having a plurality of connector arms [10] and the adjustment member having a mating surface together making snap-fit connection between them [Rose column 2, lines 10-15]. Though Rose discloses the connector arms on the bracket and mating surface on the adjustment member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the connector arms on the adjustment member and mating surface on the bracket, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. [In re Einstein, 8 USPQ 167].

***Allowable Subject Matter***

11. Claims 1 – 19 are allowed.

***Response to Arguments***

12. Applicant's arguments filed 12/05/2005 have been fully considered but they are not persuasive.

Regarding Claim 20, the Applicant has argued "amended claim recites a second end portion of the knob defining a generally smooth wave-shaped surface extending continuously along a circular path". The Applicant also referenced paragraph [0023] of the original application and stated that the original application discloses "generally smooth wave-shaped surface". The Examiner respectfully disagrees and wishes to point out that paragraph [0023] of

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the original application has no reference to "generally smooth wave-shaped surface." Applicant did submit amendment to paragraph [0023] of the specification, which introduces "smooth path" as well as "generally smooth feel", both of which were not present in the original disclosure and hence have been treated as "new matter". The Examiner has rejected the claim amendment, details of which are given above. Applicant is required to delete the "New Matter" from the amended specification. With regard the argument related to Claims 20 - 23, the Applicant has also presented argument based on the amended specification - these arguments are moot.

### ***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

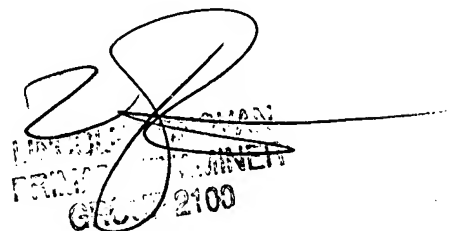
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman  
December 13, 2005



Handwritten signature of Marina Fishman over a circular official stamp. The stamp contains the text: "MARINA FISHMAN", "PATENT EXAMINER", "ART UNIT 2832", and "DEC 13 2005".